

MEMORANDUM

Date: July 1, 2009

To: Court Clerk

From: Kurtzman Carson

Re: Circuit City

RICHMOND DIVISION

JUL - 6 2009

U.S. BANKRUPTCY COURT

Enclosed please find a Debtors' Ninth Omnibus Objection that was sent to our office by mistake, to be filed as a Response with the court.

Page 1 of 🖣

Gregg M. Galardi. Esq.
Ian S. Fredericks, Esq.
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM, LLP
One Rodney Square
PO Box 636
Wilmington, Delaware 19899-0636
(302) 651-3000

- and -

Chris L. Dickerson, Esq. SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP 333 West Wacker Drive Chicago, Illinois 60606 (312) 407-0700

Counsel to the Debtors and Debtors in Possession

Case 08-35635-KRH

RESPONSE ATTACHED.

REQUEST FOR HEARING, AS APPLICABLE.

Dion W. Hayes (VSB No. 34304) Douglas M. Foley (VSB No. 34364) MCGUIREWOODS LLP One James Center 901 E. Cary Street Richmond, VA 23219 0636 (804) 775-1000



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IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

	<u>A</u>	
In re:	:	Chapter 11
CIRCUIT CITY STORES, INC.,	; ;	Case No. 08-35653 (KRH)
Et al.,	:	
Debtors.	:	Jointly Administered
	v	

DEBTORS' NINTH OMNIBUS OBJECTION TO CERTAIN (I) LATE CLAIMS AND (II) LATE 503 (B) (9) CLAIMS RESPONSE

2. Sheryl A. Borger - Claim Number 11633

The amount of the Claim, \$769.96, is based upon the cost and services required in order to replace the computer tower that crashed at and was improperly discarded by the Circuit City store in Taylor, Michigan. As outlined by the manager of the store: \$750.00 tower; \$99.99 Basic Computer Setup; \$29.99 System Restoration CD; \$39.99 New Computer Setup; \$99.99 Transfer files and firewall install; minus \$250.00 toward new tower.

3. This claim should be considered on its own merits, as the Claim is customer-related pertaining to continuing services - most likely substantially different from other C Late Claims, occurring after the Petition Date and filed as soon as it was possible.

It was indicated that destroying a tower prior to the pick-up time limit occurs rarely, and that the tower would be replaced, including services required to install the disk to the new tower. I had brought the tower in twice. The manager found the second date on record, but that it had been mistakenly discarded per the first date, without prior required telephone notification. The manager was to call me regarding repair as it had "crashed". I went into the store to speak to the manager. The tower could not be located. Firedog was being implemented, the manager in training at the time of the discard. I was told that the policy was being changed and letters of notification would be utilized from then on. Several times, managers were transferred causing delays relaying the information and resolution. Receipt for Malremove, Checkpc, disk copy, Inbound Computer Info form (Attachment I).

The New York Times Publication: <u>November 10, 2008</u>, "...James Marcum, vice chairman and acting president and chief executive of Circuit City Stores, said Monday that the company intended to live on beyond Christmas and to emerge stronger than before. <u>He said the public could have confidence in doing business with the company</u>." (Attachment A)

Page 7-8 Objection: "The basis of this Objection is that the claims included herein were not filed timely." "... that are creditors holding or wishing to assert "claims"... arising before the Petition Date... are required to file... on or before... January 30, 2009..." The Petition Date is November 10, 2008. This Claim is related to computer sales and services that were continuing at the store, after the Petition Date - as noted above, by the "chief executive".

<u>Page 13 Objection:</u> "...courts have not allowed claims filed by creditors after the bar date, absent special circumstances." "(Because Bean did not timely file his bankruptcy claim after having been given constitutionally sufficient notice, his claim is barred under well-settled authority, 11 U.S.C. 1141(D) and Bankruptcy Rule 3003 (C) (2).")" This claim falls under "special circumstances", filed as soon as it was possible, upon validity of claim.

This is a consumer debt owed to a single creditor. It was not listed or scheduled in time to permit timely filing of a proof of claim; nor did I have notice or actual knowledge of the case in time for such timely filing and request.

<u>Page 3 Objection</u> "On January 16, 2009, the Court approved the Agent's bid and authorized the Debtors to conduct going out of business sales at the Debtor's remaining stores (D.I. 1634). The Agent commenced going out of business sales at the Debtors' remaining stores on January 17, 2009."

January 2009, manager, Mr. James Call indicated tower Compaq Presario would replace my crashed and discarded tower to include services and in-home services. I printed this information (Attachment B). January 16, 2009, Mr. Call indicated that I should see the manager in order to obtain the replacement tower and services, as he had sent e-mail regarding this. Therefore, Brian Borger and I went to the store, but the manager was in meeting with associates. The assistant provided the contact number for corporate. The tower loss was assigned Corporate ID number 2952296 on January 16, 2009. I promptly sent a certified letter to the corporate offices, receipt dated January 29, 2009 (Attachment C). February 2, 2009, I received a reply from Corporate, Morgan Lawrence, and instructions to access www.kccllc.net/circuitcity for information regarding Claims. Upon receiving a return phone call from K.C.C., that claims were being accepted, and per recommendation Form B 10; received February 27, 2009 (Attachment D, 1st page), assigned Claim Number 11633.

<u>Page 3, Objection</u>, "Background: The debtors continue to manage and operate their businesses as debtors in possession pursuant to Bankruptcy Code sections 1107 and 1108."

"Will Circuit City offer PC services and repairs at liquidation stores during the closing sale?"
"Services already underway at the liquidation stores will be completed promptly..." - dated January 20, 2009 (Attachment E). See provided contact number and reference number for firedog (Attachment F). Firedog ad states "We stand behind everything we do: All of our work is guaranteed." Etc. (Attachment G) This claim pertains to these continuing operations and services.

Pursuant to section 105(a) of the Bankruptcy Code, which empowers the Court to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [The Bankruptcy Code]." ("the allowance or disallowance of a claim in bankruptcy is a matter of federal law left to the bankruptcy court's exercise of its equitable powers."). The validity of the Claim is set forth. I request the Honorable Court to find for the equitable allowance of this Claim.

- 4. Please see Attachments referenced above.
- 5. Please see DECLARATION (Attachment H).
- 6. Authority Notice Address: Sheryl A. Borger, 31654 Lynne Drive, Rockwood, MI 48173 Telephone number 734-379-9632 Facsimile number 734-789-8265

RESPECTFULLY SUBMITTED,

Sheryl A Borger Sheryl A. Borger

Date

MCGUIREWOODS LLP

One James Center

901 E. Cary Street

Richmond, VA 23219

Attn: Dion W. Hayes

Attn: Douglas M. Foley

June 17, 2009

KURTZMAN CARSON CONSULTANTS

2335 Alaska Avenue

El Segundo, California 90245

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

One Rodney Square

PO Box 636

Wilmington, DE 19899-0636

Attn: Gregg M. Galardi

Attn: Ian S. Fredericks

- and -

SKADDEN, ARPS, SLATE, MEAGHER

& FLOM, LLP

333 West Wacker Drive

Chicago, Illinois 60606

Attn: Chris L. Dickerson

Dear Sirs: RE: Ninth Omnibus Objection - Sheryl A. Borger - Claim Number 11633 - Exhibit C

As per Notice, I would like to try to <u>resolve</u> this matter - if possible - I will accept shipment of a replacement tower (return receipt) and I would cover the cost to have the required services completed - disk restoration, file transfer, etc., as outlined in attachment to Response.

A Corporate Case ID number was assigned on 1-16-09 for a Claim. I could not know the specifics of bankruptcy at the time. Per Corporate reply to my certified letter; your (KCC) return telephone call, with recommendation to file Claim B10, I mailed the Claim; received 2-27-09.

It appears that my claim would fall under different circumstances, as continuing customer service related, and therefore, filed after the General Bar Date; and most likely should not be included with the Objection, and should be reviewed on it's own merits. The store manager indicated that a tower crash, and discard prior to customer notification and prior to the pick-up date is a very rare occurrence. Therefore, my claim may be "one of a kind".

Would you please let me know the number of Objection Exhibit C Late Claims, which are similar to the circumstances of my Claim? Please let me know if my Claim can be resolved. If not, the enclosed will serve as my Response, objections, and request for hearing, as applicable, and I will forward a Response to the Court.

Thank you for your time and consideration.

Sincerely,

Shough A. Bouger Sheryl A. Borger

31654 Lynne Drive

Rockwood, MI 48173

(734) 379-9632 Home - (734) 890-1725 Cell;

Facsimile 734-789-8265 (Library; please limit 8 pages)

Addendum

Enclosures

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Addendum

Kurtzman Carson Consultants:

Prior to receiving the Objection Notice, I received an Administrative Expense Request Notice.

I spoke with your associate on June 18, 2009, and he indicated that my claim would probably be Administrative Expense, and not the B 10 claim form originally referred by your associate. Please review the enclosed and let me know whether or not to answer the Administrative Expense Request.

Thank you.

Sincerely,

Sheryl A. Borger

Enclosures

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ATTACHMENT A 5 PAGES

MY TIMES TODAY'S PAPER VIDEO MOST POPULAR TIMES TOPICS

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November 10, 2008 Article attached.
Alease refer to Page 4

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Attachment A

345

Circuit City Seeks Bankruptcy Protection

By STEPHANIE ROSENBLOOM Published. November 10, 2008

Any retailer that was weak before the economic downturn appears likely to end up as one of its victims. The latest example is Circuit City, one of the nation's largest electronics retailers, which filed for bankruptcy protection on Monday after months of declining sales.

The company said

bankruptcy reorganization

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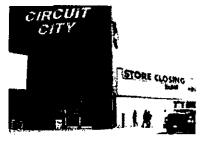
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A \$1.1, billion line of credit will keep goods flowing to Circuit City through the holidays.

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Times Topics: Circuit City Stores Inc.

Bits: Circuit City's Woes May Hurt Electronics Makers

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would help it win back vendors worried about being paid, and that a \$1.1 billion line of credit would keep goods flowing to Circuit City stores through the crucial holiday season. But outside experts said the prospects of longterm survival for a chain in Circuit City's position were bleak.

The company's problems go back a decade, and it had long been faulted by Wall Street analysts for poor strategic decisions. The dismal economy of recent months finally sent the company over the edge. Analysts foresee similar bankruptcy

filings by other retailers that turn in a poor performance this holiday season.





Circuit City said it would continue to accept returns and to honor warranties, which were secured by third-party institutions.

"The environment is the nail in the coffin, but Circuit City has been going through a turnaround for many years," said Stacey Widlitz, an analyst with Pali Research.

In the 1980s, Circuit City was one of the nation's strongest retailers. But then came a series of critical missteps.

"In the 1990s, they signed cheap real estate leases in inferior locations, and sealed their fate doing that," Ms. Widlitz said. Many of the spaces were too big and made for an uninviting shopping experience. As its fortunes worsened, Circuit City laid off thousands of its most experienced salespeople last year to save money, killing morale at the stores and angering customers.

Meanwhile, analysts said, its archrival, Best Buy, secured better real estate, offered better service and adapted more quickly to a difficult marketplace for electronic goods.

Circuit City is still the nation's second-largest dedicated consumer electronics retailer after Best Buy, with more than 700 stores. Last week it said it would close 155 of them, open fewer new ones, renegotiate some leases and cut staff members at its headquarters.

The retailer had been limping along for months, its shares losing more than 90 percent of their value since the beginning of the year. Sales for the three months ending in August fell 13.3 percent.

445

No liquidation of Circuit City is imminent; the company filed under provisions of the bankruptcy code that would allow it to keep operating while it revamped and sought fresh financing.

James A. Marcum, vice chairman and acting president and chief executive of Circuit City Stores, said Monday that the company intended to live on beyond Christmas and to emerge stronger than before. He said the public could have confidence in doing business with the company.

"The decision to restructure the business ... should provide us with the opportunity to strengthen our balance sheet, create a more efficient expense structure and ultimately position the company to compete more effectively," he said.

Most electronic products sold at Circuit City and other stores are backed by manufacturers' warranties. Circuit City said it would continue to accept returns as before and to honor its add-on warranties, which were secured by third-party financial institutions, and its gift cards.

While Circuit City's troubles mean that Best Buy can gain additional market share, that company will face stiff competition. Discount stores like <u>Wal-Mart</u> and Costco and the online retailer <u>Amazon.com</u> have become significant players in electronics sales.

Even in the best of economies, electronics is a difficult business. For one, the clock is ticking the moment a piece of technology hits the shelf. The more time passes, the more its value depreciates. Second, unlike a few years ago, it is not hard to sell a flat-panel television set anymore, said David A. Schick, an

analyst at Stifel Nicolaus. Consumers are familiar with the features and many would rather sacrifice expert sales advice for a bargain at Wal-Mart or an Internet retailer.

5.45

In a down economy, only the best electronics operators survive.

"Every time the consumer has a hiccup or a slowdown, an electronics player goes bankrupt," said Mr. Schick, ticking off bygone names like Crazy Eddie and CompUSA.

David J. Urban, a professor of marketing at Virginia Commonwealth University's business school in Richmond, where Circuit City has its headquarters, said that making job cuts just before Christmas indicated Circuit City's dire financial situation.

"The question is how much longer after that are they going to be able to survive?" he said. "If you have to do this to be able to ensure you'll have adequate merchandise for the holiday season and its already the 10th of November, it's not good."

Stephen Hoch, a professor of marketing and the director of the Jay H. Baker Retailing Initiative at the Wharton School at the University of Pennsylvania, said it had become hard for retailers "to shrink dramatically and gracefully." Many that get into trouble, he said, end up disappearing.

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SENDER: COMPLETE THIS SECTION	■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Article Addressed to: Article Add	8	(Hansie none service taxe)

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B 10 (Official Form 10) (12/07)	
UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA	PROOF OF CLAIM
Circuit City Stores West Coast, Inc. (Case No. 08-35654) □ Circuit City Stores PR, LLC (Case No. 08-35660) □ DinterTAN, Inc. (Case No. 08-35655) □ Circuit City Properties, LLC (Case No. 08-35661) □ Properties, LLC (Case No. 08-35661) □ Properties, LLC (Case No. 08-35662) □ Circuit City Properties, LLC (Case No. 08-35663) □ Circuit City Properties, LLC (Case No. 08-35664) □ Circuit City Properties, LLC (Case No. 08-35664) □ Circuit City Properties, LLC (Case No. 08-35661) □ Circuit City Properties, LLC (Case No. 08-35662) □	Abbott Advertising, Inc. (Case No. 08-35665) Mayland MN, LLC (Case No. 08-35666) Patapsco Designs, Inc. (Case No. 08-35667) Sky Venture Corporation (Case No. 08-35668) XSStuff, LLC (Case No. 08-35669) PRAHS, INC. (Case No. 08-35670)
NOTE: This form should not be used to make a claim for administrative expenses arising after the commencement of the case. A requestion by filed pursuant to 11 USC 850376	est for payment of an administrative expense
Name of Creditor (the person or other entity to whom the debtor owes money or property): Shery! A Sorger Name and address where notices should be sent: 31654 Lynne Drive Rockwood, M148173 Telephone number: 379-9632	Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: (If known) Filed on:
Name and address where payment should be sent (if different from above):	Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of
Telephone number:	statement giving particulars. Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: S 769, 96 - 31, 019, 96 If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5.	5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.
<u> </u>	
Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.	Specify the priority of the claim.
2. Basis for Claim: GOODS SOLD MNO SERVICES DERFORMER AND	☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
3. Last four digits of any number by which creditor identifies debtor: 3a. Debtor may have scheduled account as: (See instruction #3a on reverse side.) COIPETATE CASE 2957276	☐ Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtors business, whichever is earlier — 11 U.S.C § 507(a)(4).
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.	☐ Contributions to an employee benefit plan — 11 U.S.C. § 507(a)(5).
Nature of property or right of setoff: Real Estate Motor Vehicle Other Describe: Value of Property: \$ Annual Interest Rate%	☐ Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use — 11 U.S.C. § 507(a)(7).
Amount of arrearage and other charges as of time case filed included in secured claim, if any: S Basis for perfection:	☐ Taxes or penalties owed to governmental units — 11 U.S.C. § 507(a)(8).
Amount of Secured Claim: \$ Amount Unsecured: \$	☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)().
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:	Amount entitled to priority: \$* *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment
Date: 2-18-09 Signature: the person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	FOR COURT USE ONLY RECEIVED
Shery 1 A. Berger Shery 1 th Borger	FEB 27 2009

• Yes, home delivery service will still be available for products purchased from liquidation stores.

Will Circuit City offer home theater installations during the closing sale?

No, we will not be offering home installation services.

Will Circuit City offer PC services and repairs at liquidation stores during t closing sale?

Services already underway at the liquidation stores will be completed promptly, but no additional jobs will be a
these stores.

Will car electronics installations be available at liquidation stores during the closing sale?

• Yes, Circuit City stores will continue to offer car electronics installation during the closing sale.

Will Circuit City's extended warranties still be available on products purch from liquidation stores?

- Yes, we're making no changes to our Circuit City Advantage Protection Plans®. Coverage is national and purc still be protected just as they always were.
- Circuit City Advantage Protection Plans® have been backed by third-party independent companies for more the years and as a result, are not impacted by Circuit City's bankruptcy or liquidation.
- Currently, all Circuit City Advantage Protection Plans are fully backed by the Assurant Solutions companies. A
 Solutions operates as Federal Warranty Service Corporation, Sureway, Inc., and United Service Protection, In
 Assurant Solutions is part of Assurant, Inc. (NYSE: AIZ), and its extended service contacts are backed by an A
 insurance subsidiary rated A "Excellent" by A.M. Best Co.

What if a customer purchased products at one of the closing stores and the product needs service?

- For products covered under the manufacturer's warranty, customers should call the manufacturer.
- For products covered under Circuit City Advantage®, guests can call the toll-free number that is printed on the the product receipt.
- » Read the press release about Circuit City's liquidation
- » Learn more at our investor relations website

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the most out of your technology.

5 Pages

iome visit firedog" at any Circuit City store and we'll help you fleash your technology's true potential. Only firedog" offers both PC services and home theater services so getting your entire digital world to work together has never been easier.

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firedog"'s commitment to you:

. We make it easy:

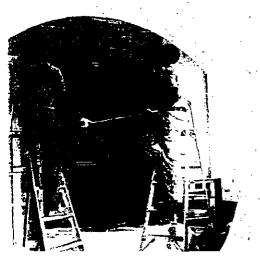
- One number to call for all your technology needs.
- Convenient hours—evenings and weekends.
- Customized solutions to fit your needs.
- PC Services available online 24/7/365.

We're experts:

- White Glove Service.
- No matter where you bought your PC or TV, we can help.

We stand behind everything we do:

- All of our work is guaranteed.
 - We are insured and bonded.



What is firedog™?

firedogsM is a <u>caring guide</u> ready to help you get the most from your technology. Whether it's installing a home theater, <u>resolving a PC problem</u> or dealing with other technically mind-boggling dilemmas, only firedogSM can get your entire digital world to obey.

Home Theater Services (



What good is having a new home theater, if it doesn't look and sound great? We can help design and install your dream system and offer detailed training on how to use it.

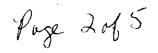
PC Services () () () ()

Whether you use your PC for work or play, we can handle all of your PC needs from installation and upgrades to wireless networking and more.

Want to play wireless online games on your home theater? Watch a digital slideshow on your tv? Stream music throughout your house? firedog is the one service that can get all your favorite gadgets to work together.

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One number to call for

with purchase of any 37" or bigger flat panel television. Purchase the TV this week and take up to 30 days to schedule your free in-home consultation. (\$99.99 value)



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no matter where you bought it

check it out and tell you what you need to get your PC running good as new. 1 (\$39.99 value. See page 5 for details.)



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Inbound Computer Info

Computer Brand: Model: Serial #:

Additional Items: Ticket #:

Warranty Entitlement:

Manufacturer Warranty | Circuit City Advantage | Circuit City

Customer Information Last Name: First Name: Cell Phone #:						
City:	State:	Zip Code:	Email:			

City: State:	Zip Code:Email:		
In Store	Services		
□ Diagnostic		CSPDIAG or FDC MFGDIAG)	\$59.99
Complete hardware and software diagnostic of your PC (Hardware diagnostic may be	covered by Circuit City Advantage plan, see a	technician for details).	·
□ Operating System and Security Service	(FD DIAGNOS, FD DATAMIG, F	D MALREMOVE, FD PCSET)	\$310.96 ¹
Complete hardware and software diagnostic of your PC. Removal of viruses and spyware, or a complete backup of your data files and system i	restoration if virus/showers is not removable		
Install Norton Internet Security™ (AntiVirus and Firewall).	estoration in virus apyware is not removable.		l
Install SpySweeper™ AntiSpyware .			6400.07
□ Operating System Service Complete hardware and software diagnostic of your PC.	(FD DIAGNOS, FD	DATAMIG, FD MALREMOVE)	\$199.97
Removal of viruses and spyware, or a complete backup of your data files and system	restoration if virus/spyware is not removable.		ł
□ Advanced Security Setup	(1	D POSET, FD WINUPDATE)	\$140.98 ¹
Install Norton Internet Security™ (AntiVirus and Firewall).			
Install SpySweeper™ AntiSpyware . Update Windows® with the latest Microsoft® patches.			
Enhance the speed and functionality of your computer.			***
□ System Tune-Up		(FD SYMTUNE)	\$29.99
Optimize your PC to boot up faster, and remove unnecessary professional design of the District Policy of the Polic		(FD SFTWRIN)	\$159.98
Install Microsoft Word, Excel, PowerPoint Company of the Company o	the second section (and the e). A must have for		\$105.50
□ Data Migration).	(FD DATAMIG)	\$59.99
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□ Data Recovery		(FD DATAMIG x 4)	\$239.96
Bring in your hard drive, and we'll record pata from the second bard drive to spir	-up.		***
□ System Customization		(FD SYMCUST)	\$24.99
Customize your new computer with person by to be mame, backed to a second to be seen ame, backed to be seen ame and to be seen and to be seen ame and to be see		(FD WINUPDATE)	\$29.99
Update Windows with the latest Microsoft patches	-	(I B William BATE)	φ 23.33
□ OS Installation/Upgrade with Driver Search		(FD OPSYMIN, FD TECH30)	\$149.98 ²
Install your Official bysian and manually search for the hardware drivers. Perfect	if you don your restore CDs anymore.		·
□ OS Installation/Upgrade		(FD OPSYMIN)	\$119.99 ²
□ OSylnstallation/Upgracie with Driver Scarch		(FD OPSYMINE EDITION (FD)	\$149:98 ²
□ Transfer Video (6 DVD		(ಫಳಿಷಣಿಗಳಿಳಿಸಿದ ಗಾರ್ವ	*\$19.99
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□ I/O Card Installation		(FD (C) stelly)	\$39.99
□ Drive installation		(संध्ये ४ मेरनम् १७) ह	\$49.99
□ Peripheral Installation		(FD PERINST)	\$29.99
□ ISP Software Installation		(अकारीक्षीक्षरक)	\$29.99
□ Software Installation	d	(FD SFAWRIN)	\$29.99 ²
□ Memory Installation	***	(FD MEMINETAL)	\$29.99
□ Desktop Computer Cleaning		(AVENIATION)	\$14.99
□ Laptop Computer Cleaning		(FD PCLEAN x 3)	\$44.97
□ Online Backup Service		(CSI RMTBACKUP)	\$4.99/mo
¹ After \$40 Norton Internet Security™ mail-in rebate. ² Software not included in price.			'
³ Diagnostic charge required in addition to this service			
	By signing below, I have agreed to the terms	s and conditions, and retu	m nolicy on
	the back of this form. In addition, I acknowle	edge and agree that it is m	ny .
	responsibility to back up all software and dat of its peripherals. I agree Circuit City® and/o		
Promised completion date	time responsible for any loss, alteration, or o	юпuption of any software.	data, or files.
P.			
Receiving technician Date	Customer drop-off signature	Date	
Completed by Date	Customer pick-up signature	Date	

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SKU:	Description:
Resolution: □ Completed/Fixed	
□ Completed/Cannot Fix	Repair Notes:
□ Problem Not Found	
SKU:	Description:
Resolution:	
□ Completed/Fixed	
☐ Completed/Cannot Fix	Repair Notes:
□ Problem Not	
Found	

- 1. General. Circuit City Storman, or is auth of this Work Order, "You" and "Your" shall refer contract relating to the Services (the "Contract"). ans (the "Technicians"). For purposes of together with this Work Order, shall collectively constitute the
- noes not guarantee that the Services will be completed by such time. Circuit City will not be responsible obs, wer, terrorist threat or action, work stoppages or strikes, or, in general, other causes beyond Circuit pleted at the promised date and time or it Services cannot be performed for any reason. If the Services are ally during customary work hours Mondey through Saturday). You may request expedited service or service 2. Service. Services will usually be perform front of this Work Order, b for delays or fallure in performing such Servic City's control. A PC Services Technician will, to be provided in-Home, a PC Services in-beure of transports charges as Indic
- 3. Additional Charges, if In-St cated on the front of this Work Order), you have agree forming the diagnostic Services for approval prior to performing any additional Services, In-Home PC Services Technicians will also obtain authorization prior to performing any

3. Additional Charges. If In-Store Services Services In-Home PC Se

- nts, Obligations, and Responsibilities for Service. You agree to the following as a condition to
- s Technicians shall be B. You no
- C. You must n duit (et least 18 years of age) authoriz The Technician must 5. Your Re
- vithout Broadband 100 mHz.
- n Disk. R illed Operating Syste Key Code m All computers to be networked must be virus free and all peripherals or systems and/or ISP must be available to the Technician at time of install connected must in good working condition. You must also have valid and appropriate All passwords for operating
- Broadband Connections (Cable Modern or DSL Modern) The broadband service must be installed and in operation prior to the Technician's arrival for networking the modem to the main computer
- Allita delivered internet services are inclinible for this service
- Satellite delivered internet services are ineligible for this service.

 Limitations of Service; Atterations to Property. Certain networking Services may require drilling holes in walls, securing wring to baseboards and similar alterations. Seponsible for any property damage relating to the incidential alterations necessary to provide the Services. Wring or other connections between computers or peripherals may be limited by well access, building provide the Services. Wring or other connections between computers or peripherals may be limited by well access, building providing solutions without the written consent from owner/management. Buildings with flat roofs or slab houses may be limited to same room networking. Are made an expectably be room to room through walls or along baseboards as is reasonably possible and the Technician shall make reasonable efforts to keep and spreached to wire any representations or warranties regarding the resulting configuration or concealment of any wring.

 7. Confidentiality of information. You acknowledge and agree that in the course of providing Services, PC Services Technicians may access files, information and/or other data on Your computer(s) or other product(s). Circuit City and its PC Services Technicians agree to use reasonable efforts to keep all personal data and information on Your computer(s) confidential; however, You acknowledge and agree that neither Circuit City nor the PC Services Technicians warrant or otherwise guarantee the confidentiality of any such personal data and information on Your computer(s) or other product(s).

- ghewise guarantees the confidentiality of any such personal data and information on Your computer(s) or other product(s).

 **A Subject to these Terms and Conditions, Circuit City warrants that the Services shall be performed in a good and workmanlike manner and will be free from material defects in workmanship for the period commencing at 12:01 a.m. thirty (30) days thereafter. No warranty is made hereunder for the hardware or software associated with the Services, including without limitation hardware or software purchased at a Circuit City store (which is covered by Circuit City spricable law, the liability of Circuit City and the PC Services Technicians shall be limited to the total service fee paid to Circuit City for the Services.

 **C. IN NO EVENT WILL CIRCUIT CITY OR THE PC SERVICES TECHNICIANS BE LIABLE FOR ANY SPECIAL, INDIRECT, INCIDENTAL, CONSEQUENTIAL OR RELIANCE DAMAGES WHICH INCLUDE, BUT ARE NOT LIMITED TO, ANY DELEVAL OR SERVICES TO COMMENCE TO INCIDENTAL CONSEQUENTIAL OR RELIANCE DAMAGES WHICH INCLUDE, BUT ARE NOT LIMITED TO, ANY DELEVAL OR SERVICES.
- C. IN NO EVENT WILL CIRCUIT CITY OF THE PC SERVICES (ECHNICIANS DE LIABLE FOR ANY SECIAL, INCIDENTAL, CONSEQUENTIAL OR RELIANCE DAMAGES, ANY INCIDENTAL, CONSEQUENTIAL OR RELIANCE DAMAGES, LOSS OF PROFITS, OR COMMERCIAL, LOSS.

 9. Unclaimed Products. If You have contracted for In-Store Service, You are responsible to pick up your product(s) after the promised date and time shown on the front of this Work Order (provided that You have not otherwise been notified by an PC Services Technician that the Services have not been completed.) Circuit City is not responsible for any product not picked up within sixty (60) days, circuit City may discard the product(s) as it determines in its sole discretion. You acknowledge and agree that in the event You fail to pick up your product(s) within the sixty (60) day period, You waive and release all claims against Circuit City related to such product(s) and its(their) disposal.
 - 10. Cancellation/Refunds. Services are non-refundable after performed. Hardware or software associated with the Services may be returned for refund subject to Circuit City's return policies
- 11. Governing Law, Unless otherwise governed by applicable state law, the Contract represented by Your sales receipt and this Work Order shall be interpreted and enforced in accordance with the laws of the Commonwealth of Virginia.
- 12. Contract Provisions. If there is a conflict between this Contract and information communicated either orally or in writing by Circuit City or an PC Services Technician, the provisions of this Contract without prior written approval by Circuit City.

 13. Severability. In the event that any portion or this Contract is held to be unenforceable, the unenforceable provision shall be construed in accordance with applicable law as nearly as possible to reflect the original intentions of the parties and the remainder of the provisions shall remain in full force and effect.

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Priorto 60 Days

ATTACHMENT H

DECLARATION

- I, Brian F. Borger, do hereby state the following:

That Sheryl Borger purchased a Compaq Presario Computer system at Circuit City.

That Sheryl Borger took the tower to the store for a diagnostic. It crashed and was discarded - we no longer have the tower.

That on January 16, 2009, Sheryl A. Borger and I went to the Circuit City, Taylor, Michigan, store to obtain the replacement tower that was promised by the manager of the store. The manager was in meetings with the employees and was not available to address the issue. We spoke with an assistant manager who gave Sheryl A. Borger the telephone number for the corporate offices.

Brian F. Borger

Date

I Pamela S. Lonar Witnessed Brian F. Borger

Sign this Doroment This 18th Day of Jone 2009

FAMELA J. RONAN Notary Public, Wayne County, Michigan Acting in Wayne County My Commission Expires May 5, 2014

Case 08-35053-KRH I	Doc	umentPage 23/0) ' ' ' '	レンナでん	7) '
	Inhound	Computer Info			
omputer Brand: <i>CSIAPAD</i>	Model:	om PQD	Serial #:	32.	
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Idress: 366540Lynne		Apt/Sufte #:		ne #: 739~37	9-9632
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C City 374-1113 No Trojans

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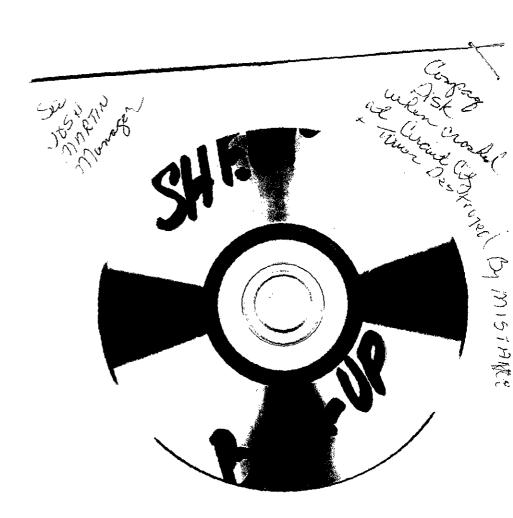
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Merchant#: 090430728 Register#: 37 Ca Mdse Desc: Consumer Electronics / Home Office

Type Cardholder/Account# App Cde Txn Amount
MCG BORGER /SHERYL 028110 Sale \$ 40.00

The cardholder agrees to the credit card amount shown hereon and agrees to perform the obligations set forth in the cardholders agreement with the issuer.

Signature:

Sheyla Borga